



<b>FEE TRANSMITTAL for FY 2003</b> <i>Effective 01/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/913,698
		Filing Date	11/27/2001
		First Named Inventor	Pressly et al
		Examiner Name	Matthew DeSanto
		Group Art Unit	3763
		Attorney Docket No.	MSF-8-PCT-US
<b>TOTAL AMOUNT OF PAYMENT (\$)</b>		<b>\$525.00</b>	

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)																																																																																																																																																																																																	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																																	
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <b>50-2802</b> Deposit Account Name: <b>Robertson &amp; Mullinax, LLC</b>		<table border="1"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non - English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td>205.00</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	J. Bennett Mullinax	Registration No. (Attorney/Agent)	36,221
Signature	<i>J. B. Mullinax</i>	Telephone	864 987 9696
		Date	July 25, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

ATTORNEY DOCKET NO.: MSF-8-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pressly et al ) Examiner: Matthew DeSanto  
S/N: 09/913,698 ) Art Unit: 3763  
Filed: 11/27/2001 ) Conf. No.: 2662  
Title: "Interchangeable Needle Safety )  
Syringe" )

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Alexandria, VA 22313-1450

JUL 31 2003  
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Dear Sir:

In the Advisory Action of July 23, 2003, the Examiner stated that Redfern et al provides a movable base 58 and 20 attached to the plunger along with support members 28. Applicant respectfully submits that with respect to amended claim 1, the movable base (58, 20) of Redfern et al does not meet the limitation of "a movable base adapted to releasably constrain the needle". Rather, the needle restraint is performed by a non-moveable structure 28 which is distinct from the base.

With respect to claim 9, Applicant notes that Redfern et al does not provide a moveable base containing a hub of said first needle as is called for in the claim. Similarly, the remaining independent claims have claim language directed to a moveable base in which the base constrains or holds the needle base in position. Applicant respectfully submits that these are distinguishing features over the Redfern et al reference.

The Applicant would also direct the Examiner's attention to the prior amendment remarks on page 7 where the amended claim language is stated to address the concerns of the Pressly '952 reference. Further, Applicant draws the Examiner's attention to the remarks at the top of page 8 regarding the Terminal Disclaimer. Given the amendments to the claims, Applicant would defer entry of a Terminal Disclaimer

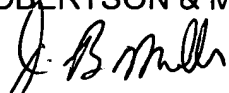
since the claims, as amended, are believed to be patentably distinct and therefore would require a withdrawal of the double patenting rejection.

The Examiner is encourage to contact the undersigned regarding any issues raised in this communication or the previous amendment for which entry is now requested.

Please charge any additional fees required by this Amendment to Deposit Account No. 50-2802.

Respectfully submitted,

ROBERTSON & MULLINAX, LLC

  
J. Bennett Mullinax  
Reg. No. 36,221